

HOUSE BILL 679

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M2

2003 Regular Session
(3r1727)

ENROLLED BILL
-- Environmental Matters/Education, Health, and
Environmental Affairs --

Introduced by **Delegates Boutin, Cane, Owings, Weir, and O'Donnell**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - Expanded Deer Management**

3 FOR the purpose of authorizing the Department of Natural Resources to include
4 certain Sundays as part of certain deer hunting seasons; limiting Sunday deer
5 hunting to privately owned lands; ~~requiring a person to obtain certain~~
6 ~~permission before deer hunting on a Sunday under certain circumstances;~~
7 providing that certain provisions of law authorizing Sunday deer hunting do not
8 apply in certain areas of the State ~~or to the hunting of certain deer; increasing~~
9 ~~the fines for trespassing while deer hunting on any day; repealing certain~~
10 provisions of law regarding hunting on private property and hunting in certain
11 counties; requiring the Department ~~annually~~ to report and make
12 recommendations on or before a certain date to certain committees of the
13 General Assembly regarding certain aspects of its deer management plans;
14 ~~defining certain terms~~ declaring the intent of the General Assembly; making
15 certain technical corrections ~~and stylistic changes~~; and generally relating to
16 Sunday deer hunting in certain areas of the State.

1 BY repealing and reenacting, with amendments,
2 Article - Natural Resources
3 Section 10-405(a), 10-410(a), 10-411, and 10-415
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2002 Supplement)

6 Preamble

7 WHEREAS, The current population of deer in the State of Maryland, which is
8 estimated at more than 250,000, is far beyond what the available habitat can
9 accommodate; and

10 WHEREAS, Despite the disruption of rural habitat areas because of
11 development projects and recreational uses, deer are remarkably adaptable to
12 residential areas, including urban and suburban sprawl areas, where they enjoy
13 safety from natural predators and hunters; and

14 WHEREAS, As demonstrated by a 1998-1999 survey of Anne Arundel,
15 Baltimore, Howard, Montgomery, and Prince George's counties in which the number
16 of deer in the areas studied increased by approximately 50% in the course of only 1
17 year, this population is not only thriving but reproducing at a startling rate; and

18 WHEREAS, When a deer herd reaches its upper density limits, as is now the
19 case, the results are the poor health and weakened physical condition of the animals
20 themselves, as well as their overconsumption of native plants, shrubs, and trees that
21 are necessary for the survival of other species in the natural ecosystem; and

22 WHEREAS, In tandem with this multiplication of the deer population have been
23 alarming spikes in the rate of tick-borne illnesses transmitted to human beings, such
24 as Lyme disease; and

25 WHEREAS, The rate of reported deer-vehicle collisions has more than doubled
26 in the State since 1990, and these collisions have caused multiple fatalities and
27 serious injuries; and

28 WHEREAS, Deer-vehicle collisions likewise cause property damage of about
29 \$10 million per year, which, in turn, leads to higher insurance rates for all drivers;
30 and

31 WHEREAS, A recent University of Maryland study found that, because of deer,
32 92% of the State's farmers suffer damage to corn, wheat, and soybean crops, an
33 annual economic loss in excess of approximately \$33 million which is considered a
34 conservative estimate because it does not include damage to fruits, vegetables, and
35 other crops; and

36 WHEREAS, Nonlethal control mechanisms, such as fencing, fertility control,
37 repellents, relocation, deterrent reflectors along roadways, and behavior modification
38 by the installation of lights, have proven largely ineffective because they cannot be

1 used routinely and inexpensively and moreover, they impact only a small number of
2 deer; and

3 WHEREAS, Extended research has shown that hunting is the most effective
4 method to reduce the size of the deer herd, and it is likewise the most cost-effective
5 method to do so; and

6 WHEREAS, Since the annual revenue associated with deer hunting in
7 Maryland is approximately \$156 million, hunters provide a significant boost to local
8 economies, and their license fees also cover all associated program costs; and

9 WHEREAS, The increased harvest of deer by hunting is thus necessary for the
10 public interest and to stabilize the deer population and manage it more appropriately;
11 now, therefore,

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Natural Resources**

15 10-405.

16 (a) (1) Pursuant to § 10-205 of this title, the Department shall establish by
17 regulation and publish by July 1 each year the open season[, excepting Sundays,] to
18 hunt [the] forest and upland game birds and mammals.

19 (2) ~~EXCEPT AS PROVIDED UNDER §§ 10-410 AND 10-415~~ § 10-410 OF THIS
20 SUBTITLE, THE DEPARTMENT MAY NOT AUTHORIZE HUNTING ON A SUNDAY.

21 10-410.

22 (a) (1) Except as provided in [paragraph (2)]PARAGRAPHS (2) AND (3) of this
23 subsection, a person may not hunt any game bird or mammal on Sundays.

24 (2) The following persons may hunt the specified game birds and
25 mammals on Sundays:

26 (i) A person using State certified raptors to hunt game birds or
27 mammals during open season;

28 (ii) An unarmed person participating in an organized fox chase to
29 chase foxes; and

30 (iii) Provided that the provisions of § 10-906(b)(3) of this title are
31 met, a person:

32 1. Using a regulated shooting ground under § 10-906 of this
33 title to hunt the following pen-reared game birds:

34 A. Pheasants;

- 1 B. Bobwhite quail;
 2 C. Chukar partridge;
 3 D. Hungarian partridge;
 4 E. Tower released flighted mallard ducks; and
 5 F. Turkey on a regulated shooting ground that was permitted
 6 to release turkey before September 1, 1992; and

7 2. Having the written permission of the owner of the land or
 8 other person designated by the owner of the land, if the land is owned or leased by a
 9 person other than the person hunting on Sundays; ~~AND.~~

10 (3) PROVIDED THAT THE PROVISIONS OF § 10-415 OF THIS TITLE ARE
 11 MET AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE DEPARTMENT MAY
 12 ALLOW A PERSON TO HUNT DEER ON PRIVATE PROPERTY ON ~~SUNDAYS~~ THE FIRST
 13 SUNDAY OF:

14 (I) ~~DURING THE~~ BOW HUNTING SEASON IN NOVEMBER; AND

15 (II) ~~ON THE FIRST AND SECOND SUNDAY OF THE DEER FIREARMS~~
 16 SEASON.

17 (4) THE SUNDAY DEER HUNTING PROVISIONS UNDER PARAGRAPH (3) OF
 18 THIS SUBSECTION DO NOT APPLY:

19 (I) ~~IN ANNE ARUNDEL, BALTIMORE, HARFORD, HOWARD,~~
 20 ~~MONTGOMERY, AND PRINCE GEORGE'S ANNE ARUNDEL, BALTIMORE, CARROLL,~~
 21 ~~FREDERICK, HARFORD, HOWARD, MONTGOMERY, PRINCE GEORGE'S, SOMERSET,~~
 22 ~~WICOMICO, AND WORCESTER COUNTIES;~~

23 (II) ~~IN BALTIMORE CITY AND THE CITY OF FREDERICK; AND~~

24 (III) ~~IN THAT PORTION OF FREDERICK COUNTY THAT IS LOCATED~~
 25 ~~SOUTH OF INTERSTATE 70 AND EAST OF U.S. ROUTE 15.~~

26 10-411.

27 ~~(a) Except as otherwise provided, a person may not come to hunt upon any~~
 28 ~~pretense whatever on lands owned by another person without the permission of the~~
 29 ~~landowner or the landowner's agent or lessee. Any person hunting on private property~~
 30 ~~shall be liable for any damage he causes to the private property while hunting. The~~
 31 ~~landowner is not liable for accidental injury or damage to the person, whether or not~~
 32 ~~the landowner or the landowner's agent or lessee gave the permission to hunt.~~

33 ~~(b)~~ ~~(1)~~ (A) A person may not upon any pretense come to hunt on the lands
 34 owned by another person without the written permission of the landowner or the
 35 landowner's agent or lessee.

1 (B) Any person hunting on this private property is liable for any damage the
2 person causes to the private property while hunting on the private property.

3 (C) The landowner may not be liable for accidental injury or damage to the
4 person whether or not the landowner or the landowner's agent gave permission to
5 hunt on the private property.

6 (2) ~~The provisions of this subsection apply only in the following counties:~~

7 (i) ~~Allegany County;~~

8 (ii) ~~Anne Arundel County;~~

9 (iii) ~~Baltimore County;~~

10 (iv) ~~Calvert County;~~

11 (v) ~~Carroll County;~~

12 (vi) ~~Cecil County;~~

13 (vii) ~~Charles County;~~

14 (viii) ~~Frederick County;~~

15 (ix) ~~Garrett County;~~

16 (x) ~~Harford County;~~

17 (xi) ~~Howard County;~~

18 (xii) ~~Montgomery County;~~

19 (xiii) ~~Prince George's County;~~

20 (xiv) ~~St. Mary's County; and~~

21 (xv) ~~Washington County.~~

22 (e) ~~In Allegany, Anne Arundel, Baltimore, Carroll, Charles, Garrett,~~
23 ~~Frederick, Wicomico, Somerset, Howard, or Worcester counties, a person may not~~
24 ~~enter or trespass upon land owned by another person for the purpose of hunting deer~~
25 ~~on the land with gun, rifle, bow and arrow, or any other means without first securing~~
26 ~~the written permission of the landowner or the landowner's agent or lessee. Any~~
27 ~~person hunting deer on land owned by another person shall exhibit written~~
28 ~~permission upon the request of any Natural Resources police officer, any law~~
29 ~~enforcement officer, the landowner, or the landowner's agent or lessee. The Natural~~
30 ~~Resources police officer or any law enforcement officer shall arrest any person~~
31 ~~hunting without written permission upon the request of the landowner or the~~
32 ~~landowner's agent or lessee.~~

1 (d) (1) In Anne Arundel, Caroline, Carroll, Cecil, Frederick, Howard, Kent,
 2 Prince George's, Queen Anne's, Talbot, and Washington counties, a person who hunts
 3 with a gun or other weapon upon the lands of another without first obtaining written
 4 permission from the owner or possessor of the land is guilty of a misdemeanor, and
 5 upon conviction of a first offense is subject to a fine not exceeding \$1,000. Upon
 6 conviction of a second or subsequent offense, the person is subject to a fine not
 7 exceeding \$2,000; EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
 8 ON CONVICTION IS SUBJECT TO:

9 (I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000; AND

10 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT
 11 EXCEEDING \$2,000.

12 (2) A PERSON WHO HUNTS DEER ON LAND OWNED BY ANOTHER PERSON
 13 IN VIOLATION OF THIS SECTION OR § 10-415(B)(2) OF THIS SUBTITLE IS GUILTY OF A
 14 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

15 (I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$3,000; AND

16 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT
 17 EXCEEDING \$6,000.

18 10-415.

19 (a) IN THIS SECTION, "DEER" INCLUDES:

20 (1) WHITE-TAILED AND SIKA DEER; AND

21 (2) ANTLERED AND ANTLERLESS DEER.

22 (b) (1) (a) There are the following 3 seasons to hunt deer:

23 (1) (1) Deer bow hunting season;

24 (2) (2) Deer firearms season; and

25 (3) (3) Deer muzzle loader season.

26 (2) (1) A PERSON WITH A HUNTING LICENSE MAY HUNT DEER ON A
 27 SUNDAY ONLY ON PRIVATELY OWNED LAND WITH THE WRITTEN PERMISSION OF
 28 THE LANDOWNER OR THE AGENT OR LESSEE OF THE LANDOWNER:

29 1. IN NOVEMBER, FOR ANY DEER SEASON THAT INCLUDES A
 30 SUNDAY; AND

31 2. IN DECEMBER, FOR ANY DEER FIREARMS SEASON THAT
 32 INCLUDES A SUNDAY.

33 (II) THE SUNDAY DEER HUNTING PROVISIONS UNDER THIS
 34 PARAGRAPH DO NOT APPLY:

1 ~~1. IN ANNE ARUNDEL, BALTIMORE, HOWARD, MONTGOMERY,~~
2 ~~OR PRINCE GEORGE'S COUNTIES;~~

3 ~~2. IN BALTIMORE CITY AND THE CITY OF FREDERICK; AND~~

4 ~~3. IN THAT PORTION OF FREDERICK COUNTY THAT IS~~
5 ~~LOCATED SOUTH OF INTERSTATE 70 AND EAST OF U.S. ROUTE 15; OR~~

6 ~~4. TO THE HUNTING OF SIKA DEER.~~

7 ~~{(b)}~~ ~~(C)~~ (1) Every person killing a deer shall report with the deer to a
8 designated checking station within 24 hours after killing the deer.

9 (2) Notwithstanding any requirement of law, if the designated checking
10 stations are closed in the county where a person kills a deer, a Natural Resources
11 police officer shall authorize the person to report with the deer to a designated
12 checking station in another county.

13 ~~{(c)}~~ ~~(D)~~ (1) [Subject to subsection (d)(3) of this section, a] A person with a
14 hunting license also may purchase bonus deer stamps from the Department.

15 (2) A bonus deer stamp allows a person with the hunting license to hunt
16 1 deer for each stamp purchased in any of the following hunting seasons for deer in
17 the State:

18 (i) Deer bow hunting season;

19 (ii) Deer muzzle loader season; and

20 (iii) Deer firearms season.

21 (3) An individual who purchases a bonus antlered deer stamp but does
22 not use it during a particular season may use that stamp during any subsequent
23 season in that hunting license year.

24 (4) The fee for each bonus antlered deer stamp issued in accordance with
25 this subsection shall be \$10.00 for residents and \$25.00 for nonresidents.

26 (5) The Department may establish by regulation the type and number of
27 deer stamps issued under this subsection if necessary to control the deer harvest in
28 various areas of the State.

29 (e) A person may not remove the head or hide or any part from any deer,
30 except internal organs, or cut the meat into parts until the deer has been checked by
31 the Department or 1 of the Department's agents at a designated checking station.
32 Removal of the head or the hide of any deer not checked at a designated checking
33 station shall be prima facie evidence that the deer was hunted illegally. Each separate
34 deer or part of any deer taken illegally or found in possession shall be considered a
35 separate offense.

1 (f) Any person who, while operating a motor vehicle on any highway in the
 2 State, accidentally strikes and kills a deer on the highway may have the deer if the
 3 person produces visible evidence of collision with the deer to any Natural Resources
 4 police officer, State law enforcement officer, or other designated representative of the
 5 Secretary. The provisions of this subsection shall be applicable to deer killed by
 6 collision with a motor vehicle at any time whether during the open season for killing
 7 deer or during the legally closed season.

8 (g) A person may not hunt a deer while the deer is taking refuge in or
 9 swimming through the waters of the State.

10 ~~{(i)}~~ ~~(H)~~ Upon written request from a federal facility for a variance from the
 11 established deer hunting season, the Department shall review the request and may:

12 (1) Approve the request;

13 (2) Deny the request; or

14 (3) Approve the request with conditions.

15 ~~(4) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,~~
 16 ~~THE DEPARTMENT SHALL ANNUALLY REPORT AND MAKE RECOMMENDATIONS TO~~
 17 ~~THE LEGISLATIVE POLICY COMMITTEE, THE SENATE EDUCATION, HEALTH, AND~~
 18 ~~ENVIRONMENTAL AFFAIRS COMMITTEE, AND THE HOUSE ENVIRONMENTAL~~
 19 ~~MATTERS COMMITTEE ON:~~

20 ~~(1) FOR EACH DEER MANAGEMENT REGION AND, AS APPROPRIATE,~~
 21 ~~EACH ZONE WITHIN A REGION, THE STATUS OF THE DEER POPULATION;~~

22 ~~(2) THE IMPACT AND ANTICIPATED IMPACT OF MANAGEMENT~~
 23 ~~STRATEGIES ON THE POPULATION OF DEER IN EACH DEER MANAGEMENT REGION~~
 24 ~~OF THE STATE;~~

25 ~~(3) LAW ENFORCEMENT ISSUES; AND~~

26 ~~(4) CITIZEN RESPONSE TO THE INCREASED HARVEST MEASURES.~~

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
 28 Natural Resources shall report and make recommendations to the Legislative Policy
 29 Committee, the Senate Education, Health, and Environmental Affairs Committee,
 30 and the House Environmental Matters Committee on or before ~~December 31, 2005~~
 31 January 15, 2004, in accordance with § 2-1246 of the State Government Article, on:

32 (a) the status of the deer population for each deer management region and, as
 33 appropriate, each zone within the region;

34 (b) the impact and anticipated impact of management strategies on the
 35 population of deer in each deer management region of the State;

36 (c) law enforcement issues; and

1 (d) citizen response to the increased harvest measures.

2 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
3 General Assembly that, in addition to the provisions of this Act, the Department of
4 Natural Resources consider implementation of other deer management options
5 already authorized under State law, including extending the deer firearms season and
6 using nonlethal management options where hunting is not allowed or feasible.

7 SECTION ~~2. 4.~~ AND BE IT FURTHER ENACTED, That this Act shall take
8 effect July 1, 2003.